1	UNITED STATES D	DISTRICT COURT
2	NORTHERN DISTRICT OF CALIFORNIA  SAN FRANCISCO DIVISION	
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5	Aberin et al. v. American Honda Motor Co., Inc.	No. 3:16-cv-04384-JST
6 7		FOURTH JOINT CASE MANAGEMENT STATEMENT
8		Complaint filed: August 3, 2016
9		Judge: Hon. Jon S. Tigar
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12	Pursuant to this Court's Minute Entry Order	, dated July 14, 2017, (D.E. 102), the parties
13	hereby submit their Fourth Joint Case Management Statement. The parties will appear for the Fourt	
14	Status Conference in Courtroom 9 on August 24, 2017 at 2:00 p.m. Pacific time.	
15	1. STATUS OF THE PARTIES' DISCOVERY	
16	a. <u>Discovery Propounded by the Plaintiffs:</u>	
17	i. Request for Product	ion of Documents, Set One
18	1. Date propound	<u>ded</u> : January 9, 2017
19	2. <u>Status</u> :	
20	a. Defend	dant American Honda Motor Co., Inc. ("AHM")
21	made a	an initial production responsive to some of
22	Plainti	ffs' demands by producing:
23	i.	Warranty booklets for each plaintiff's model and
24		year,
25	ii.	Owner's manuals for each plaintiff's model and
26		year, and
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1	iii. Technical Service Bulletins pertaining to the
2	HandsFreeLink Bluetooth system.
3	b. AHM responded on April 17, 2017.
4	3. Next steps required to complete the discovery or conclude any
5	dispute regarding that discovery: As discussed below,
6	discovery matters have been referred to Judge Ryu.
7	ii. Interrogatories, Set One
8	1. <u>Date propounded</u> : January 9, 2017
9	2. Status: AHM's responses on April 17, 2017.
10	3. Next steps required to complete the discovery or conclude any
11	dispute regarding that discovery: As discussed below,
12	discovery matters have been referred to Judge Ryu.
13	iii. Request for Production of Documents, Set Two
14	1. <u>Date propounded</u> : June 12, 2017
15	2. Status: AHM responded on July 21, 2017.
16	3. Next steps required to complete the discovery or conclude any
17	dispute regarding that discovery: Plaintiffs are reviewing
18	AHM's responses to Plaintiffs' discovery and will meet and
19	confer with AHM about any perceived deficiencies and/or
20	issues that are not already presented by the First Set of
21	discovery demands. As discussed below, discovery matters
22	have been referred to Judge Ryu.
23	iv. Interrogatories, Set Two
24	1. <u>Date propounded</u> : June 12, 2017
25	2. <u>Status</u> : AHM responded on July 21, 2017.
26	3. Next steps required to complete the discovery or conclude any
27	dispute regarding that discovery: Plaintiffs are reviewing
28	

1	AHM's responses to Plaintiffs' discovery and will meet and
2	confer with AHM about any perceived deficiencies and/or
3	issues that are not already presented by the First Set of
4	discovery demands. As discussed below, discovery matters
5	have been referred to Judge Ryu.
6	b. <u>Discovery Propounded by the Defendant:</u>
7	i. Requests for Production of Documents, Set One
8	1. <u>Date propounded</u> : March 31, 2017.
9	2. <u>Status</u> : Plaintiffs' responded on June 29, 2017. AHM proposed
10	a protocol to govern the related inspection of Plaintiffs'
11	vehicles and cellular telephones on June 29, 2017. Plaintiffs
12	responded with proposed changes to the proposed inspection
13	protocol on July 11, 2017. AHM will continue to meet and
14	confer with Plaintiffs in an attempt to finalize the protocol, and
15	scheduling the inspections. The parties will be presenting the
16	current status of these discussions to Judge Ryu, as discussed
17	below.
18	3. Next steps required to complete the discovery or conclude any
19	dispute regarding that discovery: AHM is reviewing Plaintiffs'
20	responses. As discussed below, discovery matters have been
21	referred to Judge Ryu.
22	ii. Interrogatories, Set One
23	1. <u>Date propounded</u> : March 31, 2017
24	2. <u>Status</u> : Plaintiffs responded on June 29, 2017.
25	3. Next steps required to complete the discovery or conclude any
26	<u>dispute regarding that discovery</u> : As discussed below,
27	discovery matters have been referred to Judge Ryu.
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### c. <u>Initial Disclosures</u>

- i. Plaintiffs: On January 20, 2017, Plaintiffs produced their initial disclosures and accompanying documents, consisting of ownership documentation by numerous plaintiffs regarding their vehicles, such as registration, title, insurance, VIN, and service history. On February 15, 2017, Plaintiffs supplemented these disclosures with additional documents. The parties continue to meet and confer on Plaintiffs' disclosures in an effort to resolve any disputes informally without Court involvement. As discussed below, discovery matters have been referred to Judge Ryu.
- ii. Defendant: On January 20, 2017, Defendant AHM produced its initial disclosures and accompanying documents. On June 20, 2017, AHM produced supplemental disclosures pursuant to Rule 26(a)(1).
  Plaintiffs have not requested any further supplementation of Defendant AHM's initial disclosures.

### d. Other discovery discussed, even if it has not yet been propounded

- i. Defendant AHM may also serve third-party discovery to unnamed members of the proposed class, including former named plaintiffs Ron Alul, Rebecca Gray, and Janice Pfeiffer. The Parties will discuss the discovery AHM intends to seek in an effort to resolve any disputes prior to service of any discovery of former named plaintiffs.
- ii. Plaintiffs will be seeking discovery from third parties, including suppliers, with information relevant to the HandsFreeLink systems at issue in this litigation.

# 2. OTHER ISSUES REQUIRING THE COURT'S ATTENTION OR THAT BEAR ON THE PROGRESS OF THE CASE

a. **Mediation Date** 

1	i. <u>Status</u> :
2	1. On November 18, 2016, the parties submitted a stipulation
3	consenting to private mediation on or before August 1, 2017.
4	(D.E. 37.)
5	2. The Court "so ordered" the same. (D.E. 40.)
6	3. On June 30, 2017, the parties submitted am amended
7	stipulation consenting to private mediation on or before
8	February 26, 2018. (D.E. 93)
9	4. The Court "so ordered" the same on July 5, 2017. (D.E. 95)
10	b. Second Amended Class Action Complaint (Consolidated Actions)
11	i. <u>Status</u> :
12	1. On April 25, 2017 the Court entered its Order on AHM's
13	Motion to Dismiss. (D.E. 81). On June 28, 2017, the Court
14	entered an Amended Order on AHM's Motion to Dismiss.
15	(D.E. 91).
16	2. On June 28, 2017, the parties submitted a proposed order
17	consolidating the Aberin and Burgess actions. (D,E, 90). On
18	June 28, 2017, the Court entered the order consolidating the
19	two actions. (D.E. 92)
20	3. On July 7, 2017, Plaintiffs filed their Second Amended Class
21	Action Complaint. (D.E. 98)
22	ii. Next steps:
23	1. On July 12, 2017, the parties submitted a stipulation providing
24	AHM until August 21, 2017 to answer, move or otherwise
25	respond to the Second Amended Class Action Complaint.
26	(D.E. 100)
27	c. ESI Protocol
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#### i. Status:

- 1. On March 31, 2017, the parties submitted a stipulated proposed ESI protocol order to the Court.
- 2. The Court entered the submitted ESI protocol order on Monday, April 3, 2017. (D.E. 77.)
- The parties have been engaged in a meet and confer process related to ESI Search Terms and other discovery matters relevant to the discovery from ESI sources.
- 4. On July 21, 2017, AHM voluntarily produced a corpus of 1,346 pages (158 documents). Some of the documents are ESI, and some were voluntarily provided by affiliates of AHM. AHM produced the information to assist Plaintiffs in further development of proposed ESI search terms from an informed perspective. Although Plaintiffs appreciate that the list of documents was selected unilaterally by AHM and believe the documents may be of no wider utility, AHM believes in good faith that these documents are among the most salient and relevant documents in this case.
- 5. Plaintiffs are reviewing these documents in the parties' continuing efforts to finalize an initial list of ESI search terms.
- 6. The parties intend to test the initial set of ESI search terms against the sources of ESI to determine if further refinements need to be made, and whether cost-sharing would be appropriate in light of proportionality principles as measured against Plaintiffs' discovery demands.

1	7. The parties will be presenting the current status of these	
2	discussions to Judge Ryu, as discussed below.	
3	d. Protective Order	
4	i. <u>Status</u> :	
5	1. On March 31, 2017, the parties submitted a stipulated proposed	
6	Protective order to the Court.	
7	2. The Court entered the submitted Protective order on Tuesday,	
8	April 4, 2017. (D.E. 78.)	
9	ii. Next steps required to conclude any dispute: None.	
10	e. Plaintiffs (Opposed) Motion for Appointment of Interim Co-Lead Class	
11	Counsel and Appointment of Executive Committee	
12	i. On June 22, 2017, Plaintiffs filed their motion to appoint interim co-	
13	lead class counsel and to establish an Executive Committee to	
14	accommodate and recognize each of the two lawsuits. (D.E. 85). On	
15	July 6, 2017, AHM filed an opposition to Plaintiffs' Motion. (D.E.	
16	96). On July 13, 2017, Plaintiffs filed their reply in further support of	
17	their Motion. (D.E. 101).	
18	ii. The Court directed that it will hear argument on the Motion for	
19	Appointment of Interim Co-Lead Class Counsel and Appointment of	
20	Executive Committee at the August 24, 2017 Status Conference.	
21	f. Referral of Discovery Disputes to Magistrate Donna M. Ryu	
22	i. In a minute entry following the Third Status Conference, this Court	
23	stated that it "will refer the parties to Magistrate Judge Ryu for the	
24	resolution of discovery disputes. The Court will issue a written referral	
25	order. By June 30, 2017 the parties shall file a proposed order or	
26	competing proposed orders that lists when a discovery letter brief is due to	
27	Judge Ryu, and what disputes the joint letter brief will resolve." (D.E.89)	
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1	11.	On June 30, 2017, t	the parties submitted a joint statement with the
2	Court, including a proposed process for presentation of the discovery		
3	disputes by August 10, 2017. (D.E. 94)		
4	iii. On August 1, 2017, Judge Ryu entered an Order Setting Discovery		Judge Ryu entered an Order Setting Discovery
5		Planning Telephone	e Call. (D.E. 103). Judge Ryu will be holding an
6		informal discovery	planning telephone call on August 31, 2017 at 1:00
7		p.m. Pacific time. The parties are to continue their efforts to meet and	
8		confer and be prepared to discuss an overall discovery plan, priorities	
9		and phasing, and are to be prepared to brief the court regarding the	
10		status of the dispute	es outlined in their June 30, 2017 joint discovery
11		statement. The parties continue to work to informally resolve or at least	
12		limit discovery disputes requiring Judge Ryu's intervention.	
13			
14	DATED: August 14, 2017		Respectfully submitted,
15			,
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SIGNATURE ATTESTATION I am the ECF User whose identification and password are being used to file the foregoing Stipulation. In compliance with Civil Local Rule 5.1, I hereby attest that the signatory has concurred in this filing. Dated: August 14, 2017 By:/s/ Christopher A. Seeger